

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)
Carl D. Burch) Group Art Unit: 2122
Serial No. 10/017,572) Examiner: Rutten, James D.
Filed: October 23, 2001) HP Docket No.: 10019928-1
For: Method And System For Optimizing) TKHR Docket No.: 050819-1081
Complilation Time Of A Program By) Confirmation No.: 1171
Selectively Reusing Object Code)

DECLARATION OF CARL D. BURCH PURSUANT TO 37 C.F.R. §1.132

Commissioner of Patents
P.O. Box 1450
Arlington, Virginia 22313-1450

Sir,

I, Carl D. Burch, hereby declare that:

1) I am the sole inventor of the invention embodied in the above-identified patent application. The invention is directed to compilation of a program by selectively reusing object code, methods of use thereof, and systems thereof.

2) I am advised that the United States Patent and Trademark Office (USPTO) has rejected one or more claims presently pending in the above-identified patent application based, at least in part, upon the publication entitled "SmartBuild High-Level Design, Version 1.0," Carl Burch, Nathaniel Nystrom (Sept. 28, 1998) visited 1/13/99: http://cllweb.cup.hp.com/llo/documents/general/smartbuild_hld.html (hereinafter referred to as "*Burch*"). I am further advised that the effective publication date of the *Burch* publication is September 28, 1998, while the effective date of the present application is October 23, 2001. I have read both the pending Office Action from the USPTO and the *Burch* reference.

3) The *Burch* document was co-authored by myself, along with Nathaniel Nystrom.

4) The *Burch* document is a confidential internal document that was posted on the internal Hewlett-Packard Company web site before the October 23, 2001 filing date of the above-identified patent application, having serial no. 10/017,572.

5) The Hewlett-Packard Company web site is accessible *only* to employees and authorized agents, under applicable confidentiality provisions, of Hewlett-Packard Company.

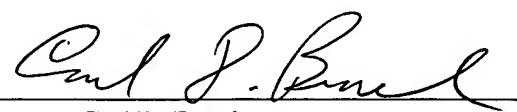
6) The *Burch* document was not published on a publicly accessible web site at least before the October 23, 2001 filing date of the above-identified patent application, having serial no. 10/017,572.

7) A published copy of the *Burch* document was not provided to any individual who was not an employee or who was not an authorized agent of Hewlett-Packard Company at least before the October 23, 2001 filing date of the above-identified patent application, having serial no. 10/017,572.

8) A published copy of the *Burch* document was not deposited at any public accessible site, at least before the October 23, 2001 filing date of the above-identified patent application, having serial no. 10/017,572.

I hereby declare that all statements made herein are of my own knowledge are true and that all statements are made on information and belief and are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Nov. 8, 2004
Date


Carl D. Burch